

1976. Order No. 76-21 revised Order No. 74-92 adopted by the Regional Board on December 9, 1974, which expired in June, 1976. Order No. 76-21 provides requirements for the discharge to the Pacific Ocean of elevated temperature wastes and other wastes from the steam electric generating plant at the San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County.

The only issue raised by the petitioners is the contention that portions of the order use the term "discharge" rather than using the term "discharge of waste" and that this terminology expands the effect of Order No. 76-21 to make the order more restrictive than the Ocean Plan.

The State Board has reviewed the petition and Order No. 76-21 is attached as an exhibit thereto.

Findings: 1. The petitioners submitted a report of waste discharge which acknowledged that the discharges involved constitute discharges or proposed discharges of waste.

2. The findings of the Regional Board, as contained in Order No. 76-21, refer to the discharges described and reported by the petitioner, indicate that these discharges include the discharge of waste, and the requirements in the order are in fact requirements specifically designed to control and/or prohibit the discharge of waste in accord with the provisions of the Ocean Plan. These findings have not been questioned by the petitioner.

3. The language of the Order is clear, specific, and precise, and, in light of the findings of the order and the description of the discharges involved, it is obvious from the face of the order that the discharges do constitute discharges of waste. The addition of the words "of waste", as proposed by the petitioner, would neither add to nor detract from the clearly expressed intent of the present order.

4. The petition fails to raise substantive issues appropriate for further review.

THEREFORE, IT IS HEREBY ORDERED, that pursuant to
Section 2052.1, Subchapter 6, Chapter 3, Title 23, California
Administrative Code, the petition be and it is hereby dismissed.

Dated: October 21, 1976

/s/ John E. Bryson
John E. Bryson, Chairman

/s/ W. Don Maughan
W. Don Maughan, Vice Chairman

/s/ W. W. Adams
W.W. Adams, Member

/s/ Roy E. Dodson
Roy E. Dodson, Member

/s/ Jean Auer
Jean Auer, Member